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DE RUEHBK #6058/01 3401107
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FM AMEMBASSY BANGKOK
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INFO RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L BANGKOK 006058

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DEPARTMENT FOR U/S BURNS, EAP A/S HILL, NSC FOR WILDER FROM
THE AMBASSADOR

E.O. 12958: DECL: 10/24/2017

TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KDEM](#) [TH](#)

SUBJECT: JUDGING THE THAI ELECTIONS

Classified By: Ambassador Ralph L. Boyce, reason 1.4 (b) and (d).

SUMMARY AND INTRODUCTION

¶1. (C) The Thai elections for members of Parliament are on track for December 23. Despite efforts by hard-line opponents of former PM Thaksin to delay or derail the election process, the campaign is in full swing. Our steady message advocating for elections this year helped to influence this very positive outcome.

¶2. (C) Just having the elections, however, is not enough. We, and the Thai people, want to see fair elections that put in place a government capable of healing the rifts in society, and putting Thailand back on course for economic growth, political stability and a renewed respect for democratic governance.

¶3. (C) The prolonged crisis of the past two-plus years showed up all the weak places in Thailand's democratic infrastructure. Some of these weaknesses will have a direct impact on the December elections, and on the government that follows. These problems are deeply rooted, and we cannot expect them to be quickly solved. This election will not mark the end of Thailand's deep political problems, but it may be a solid step forward towards a solution. We can play a role in encouraging this outcome.

¶4. (C) Immediately after the vote will come the moment of truth. One side or the other is likely to be very unhappy with the election results. This will be the juncture at which each side - pro- and anti-Thaksin - considers whether to accept the election results or look for ways to win the political contest through some other means -- coups, street protests, boycotts... We should be prepared by 00B December 24 local time to issue a statement showing strong support for the return to civilian elected government resulting from this election. We should acknowledge that the election day process was smooth (if true), encourage a transparent and fair process of adjudicating fraud claims and call on all parties, the government and the military to respect the results of the election. Although we will likely need to acknowledge infractions, we do not want to give any of the players an excuse to abandon the election process and take their battle back to the streets. As the election will take place in the middle of the Christmas holidays, we hope to be able to agree in advance on language the Embassy and Department can use in assessing this election; post will forward suggested language for consideration shortly. This cable reviews the factors I believe we should take into account in assessing this step in the Thai return to elected, civilian government. END SUMMARY AND INTRODUCTION.

ABUSING MONEY AND POWER

15. (C) The potential problems facing the election process fall, broadly, into two categories. One is the influence of money -- more specifically, the fear that politicians will buy votes or bribe officials to such a degree that they will undermine the legitimacy of the elections. The other potential problem is the abuse of power -- more specifically, that the military and the interim government will use their authority to distort the outcome of the election. There is a tendency to expect the pro-Thaksin forces, drawing on Thaksin's enormous personal wealth, to rely on money politics, and the anti-Thaksin forces, favored by the military and the bureaucracy, to rely on government power.

16. (C) The reality is not as clear-cut. The scourge of money politics appears to cross all party lines to one degree or another. Media, political and government contacts are all predicting that this will be one of the most fraud-riddled, or at least, most expensive elections in history, and we see no reason to doubt this assessment. As for the potential use of government power, while the central Election Commission and government ministries, made up of the Bangkok elite, are no doubt prejudiced against the pro-Thaksin People Power Party (PPP), enormous responsibility resides with the local election, security, and administration officials. In our travels in the countryside, we have repeatedly been told that the military will have little influence on voters, but that local officials will play an important role. In Thaksin strongholds, those officials are just as likely to share the views of their neighbors in personally favoring the former PM and his proxies.

RETURN TO NORMALCY

17. (C) Three months ago, we were uncertain whether the elections would take place this year, whether a junta leader would wind up as the next prime minister, and whether the military would smother the political campaign of supporters of former PM Thaksin. A lot has changed in these three months. The election is on track for December 23, despite serious efforts by some political forces to delay it. None of the coup leaders is running for Parliament, meaning that

none of them will be eligible to be Prime Minister in the next government. The cabinet overrode security officials, and voted to lift martial law in over half the districts where it had remained in force for most of the year. The professional GEN Anupong edged out the hot-headed GEN Saprang as Army commander. Thaksin's banned party has reincarnated itself as the Peoples Power Party (PPP), and is doing well in the campaign so far, with 'banned' politicians working behind the scenes. The Election Commission rolled back some of the most onerous restrictions on campaign activity in response to protests from the media and political parties. In each of these cases, the outcome is far from perfect -- we would have preferred elections before September, no political role for the junta leaders, no martial law, no party dissolution, and a more competent Election Commission. In each case, however, the authorities ultimately accepted the need to move back toward democratic practices -- partly in response to international concerns, but more as a reaction to criticisms from within Thailand.

18. (C) I believe the interim leadership understands that it must take measures to win acceptance for the elections both internationally and internally. This is a formidable task here, especially as vote-buying and abuse of power are regular features of Thai elections. Like everything else since the coup, the election is unlikely to be as good as we would urge and hope. But, based on the track record of the past year and the campaign so far, it can be good enough to reflect accurately the wishes of, and be accepted by, the Thai people, and to move the country back on the path to civilian, democratic rule.

ENFORCING THE RULES ON MONEY AND THE MILITARY

¶ 9. (C) Tackling the problem of money politics will be extremely difficult. Any effort to crack down on the activities of candidates or "vote canvassers" - the campaigners who also hand out the incentives on behalf of their candidates -- will inevitably elicit cries of persecution and prejudice. Any politician penalized for infractions of the election rules will be able to say, in all honesty, that other candidates are getting away with much the same thing. We will need to monitor closely the overall fairness of the Election Commission (ECT) in the enforcement of the election rules. In making this assessment, however, it is not reasonable to expect the ECT to catch all the vote-buyers before it punishes any of them. On the contrary, we should be encouraging the ECT to get tough on vote buying and other fraud, to the best of its ability. Decades of vote-buying have undermined the faith of the citizens in elections, and in democracy itself. So far, the Election Commission has not singled PPP candidates out for disqualifications. (There have been 37 candidates so far disqualified, mostly for holding membership in more than one party; only one of these was from the pro-Thaksin PPP.) However, we anticipate accusations of vote-buying and similar fraud, and a corresponding Election Commission response, to increase as the campaign continues.

¶ 10. (C) We must also monitor closely the role of the military. Thailand's military has, unfortunately, long had an accepted role in internal security. The prevalence of election fraud and corruption over the years has given the military an excuse to meddle in politics - from launching coups in the name of good governance to sending out soldiers to campaign against vote-buying. In the short term, we will continue to express our concerns over the possibility of military intervention in the democratic process. GEN Anupong told me that he wanted the military to stay out of politics, and I will remind him of that pledge.

¶ 11. (C) Based on the recent experience of the constitution referendum, I believe that we will continue to see some efforts by elements of the military to undermine support for the pro-Thaksin Peoples Power Party, but these efforts are unlikely to be very successful. So far, they are not widespread. Despite accusations by politicians, the villagers we meet during our travels are not raising concerns about pressure from the military. The very high vote against the new constitution in August showed that the population was in large part prepared to vote as they pleased, regardless of what the government or military wanted.

OLD-FASHIONED FRAUD

¶ 12. (C) In discussions with politicians and officials, the problem of garden-variety election day fraud, such as stuffing the ballot boxes, is rarely mentioned. While politicians are generally dissatisfied with most of the changes in the election laws, they seem to support the return to counting the ballots at the polling station. (Note: During 2001-2006, ballot boxes were first transported to the provincial capital, and consolidated before counting. This was to discourage vote-buying, as no one could tell how a particular village had voted -- but it made the polling harder for political parties to monitor as well. End note.) Contacts acknowledge that crude fraud may take place in some locations, but they cite campaign abuses and possible unfair adjudication of fraud accusations as more pressing concerns. While there will not be a single large organization conducting systematic monitoring of election day activities, there will be some 200 organizations around the country involved in monitoring activities. We plan to coordinate with the most effective of these groups to supplement the embassy's own observation teams (about 15-20 teams planned). This, combined with the press and party monitors, should give us a decent view of election day procedures.

113. (C) One difficult feature of Thai elections is the way fraud allegations are adjudicated. The ECT can disqualify a candidate before or after the vote, call for a new election in a constituency, and even bar a suspect candidate from competing in the new poll, if they have evidence he committed serious election fraud. In the 2001 elections, the ECT overturned the election day results and required re-votes in a whopping 62 of the 400 constituencies due to fraud allegations (about half of these were for Thaksin's Thai Rak Thai party seats, roughly proportional to the number of seats it had won). The pro-Thaksin PPP is particularly concerned that the Election Commission will unfairly disqualify their candidates, while overlooking infractions by other parties. Thus, while unofficial results will be available within hours after the polls close, it may be weeks before we actually know which parties have enough seats to form the government. It is possible that the balance of power in the new parliament could be decided, not on December 23, but in a series of re-votes held throughout January. This system of fraud adjudication -- with the potential for dozens of seats to be thrown into a second round of voting -- strikes us as inefficient, but it is now the established practice here, and the voters appear to accept it.

114. (C) The immediate post-election period may be one of the most sensitive in the past year. The military leadership and former coup leaders appear to accept that the supporters of the former prime minister will do very well in the elections. Nonetheless, December 23 will be a moment of truth for the military and, despite Anupong's pledge to me, we cannot discount the possibility they could again intervene in the political process (although more likely through means short of another coup). This is also a turning point for Thaksin supporters, for whom gaining control of the legislature is the next step towards stymieing the investigations into corruption by the previous administration, and paving the way for Thaksin's return. If they do not do as well as they anticipate, they may also try to use street demonstrations or other means to disrupt and discredit the process.

HOW DO WE CALL IT?

115. (C) In a perfect world, we would hope to be able to issue a statement shortly after the polls close giving an unqualified welcome and endorsement to the Thai elections. In the real world, this is unlikely to happen. These elections are likely to be a messy business, although perhaps not so much messier than previous elections here. If things continue as they have started, however, there is reason to hope that this election will be accepted by the public and will result in a government with a legitimate mandate to get Thailand back on track.

116. (C) Provided the parties continue to campaign freely and the election day process is credible, we should be prepared on the morning of December 24 local time to show strong support for the return to civilian elected government resulting from this election. We should acknowledge that the election day process was smooth, encourage a transparent and fair process of adjudicating fraud claims and call on all parties, the government and the military to respect the results of the election. Depending on circumstances, we will likely need to acknowledge infractions or other shortcomings, but we do not want to give any of the players an excuse to abandon the election process and take their battle back to the streets. The weary majority of Thailand's population is tired of political drama. They want a government with the legitimacy and competence to tackle the country's economic and security problems. In other words, they want exactly what we want.

BOYCE